

**AGENDA**

**WASHINGTON COUNTY BOARD OF COMMISSIONERS**

**Agenda Category:** Public Hearing – Seventh Reading and Seventh Public Hearing  
Land Use & Transportation; County Counsel (All CPOs)

**Agenda Title:** **CONSIDER PROPOSED B-ENGROSSED ORDINANCE NO. 815 –  
AN ORDINANCE AMENDING THE COMMUNITY  
DEVELOPMENT CODE RELATING TO WINERIES LEGISLATION**

**Presented by:** Andrew Singelakis, Director of Land Use & Transportation  
Alan Rappleyea, County Counsel

**SUMMARY:**

B-Engrossed Ordinance No. 815 proposes to amend the Community Development Code to include standards that the County must implement for wineries in Exclusive Farm Use Districts (EFU & AF-20) pursuant to state legislation, and to make minor improvements to formatting within winery standards for other rural land use districts. The proposed ordinance is posted on the County's land use ordinance webpage at the following link:

[www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)

The Board conducted a hearing August 15 for A-Engrossed Ordinance No. 815, and directed engrossment of the ordinance to make one change. A description of that change was included in the staff report for the August 15 hearing. The Board held its first hearing for B-Engrossed Ordinance No. 815 on September 5 and continued the hearing to September 26, 2017.

The staff report for the September 26 hearing will be provided to the Board prior to the hearing and posted on the above land use ordinance webpage. Copies of the report will also be available electronically and at the Clerk's desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to two minutes for individuals and five minutes for a representative of a group.

Clerk's Desk Item: Staff Report *(click to access electronic copy)*

**DEPARTMENT'S REQUESTED ACTION:**

Read B-Engrossed Ordinance No. 815 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of the hearing, adopt B-Engrossed Ordinance No. 815 and associated findings.

**COUNTY ADMINISTRATOR'S RECOMMENDATION:**

I concur with the requested action.

**ADOPTED**

Agenda Item No.	<u>3.a.</u>
Date:	09/26/17

AUG 18 2017

Washington County  
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

B-ENGROSSED ORDINANCE 815

An Ordinance Amending the  
Community Development Code  
Relating to Wineries Legislation

The Board of County Commissioners of Washington County, Oregon (“Board”) ordains as follows:

SECTION 1

A. The Board recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-802, 804, 809-811, and 813-815.

B. As part of its ongoing planning efforts, Washington County staff has identified necessary amendments to the Community Development Code to integrate current state law relating to wineries. The Board recognizes that such changes are necessary from time to time for the benefit and welfare of the residents of Washington County, Oregon.

1 C. Under the provisions of Washington County Charter Chapter X, the Department of  
2 Land Use and Transportation has carried out its responsibilities, including preparation of notices,  
3 and the County Planning Commission has conducted one or more public hearings on the proposed  
4 amendments and has submitted its recommendations to the Board. The Board finds that this  
5 Ordinance is based on those recommendations and any modifications made by the Board are a  
6 result of the public hearings process.

7 D. The Board finds and takes public notice that it is in receipt of all matters and  
8 information necessary to consider this Ordinance in an adequate manner, and finds that this  
9 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan adoption  
10 as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County  
11 Charter, the Washington County Community Development Code, and the Washington County  
12 Comprehensive Plan.

13 SECTION 2

14 The following Exhibit, attached and incorporated herein by reference, is hereby adopted as  
15 an amendment to the Community Development Code as follows:

- 16 A. Exhibit 1 (17 pages) – Amends the following sections:
- 17 1. Section 340 – Exclusive Farm Use District (EFU);
  - 18 2. Section 344 – Agriculture and Forest District (AF-20);
  - 19 3. Section 346 – Agriculture and Forest District (AF-10);
  - 20 4. Section 348 – Agriculture and Forest District (AF-5);
  - 21 5. Section 350 – Rural Residential Five Acre Minimum District (RR-5);
  - 22 6. Section 352 – Rural Commercial District (R-COM);

7. Section 354 – Rural Industrial District (R-IND);
8. Section 356 – Land Extensive Industrial District (MAE);
9. Section 430 – Special Use Standards; and
10. Section 440 – Nonconforming Uses and Structures.

SECTION 3

All other Comprehensive Plan provisions that have been adopted by prior ordinance, which are not expressly amended or repealed herein, shall remain in full force and effect.

SECTION 4

All applications received prior to the effective date shall be processed in accordance with ORS 215.427.

SECTION 5

If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

SECTION 6

The Office of County Counsel and Department of Land Use and Transportation are authorized to prepare planning documents to reflect the changes adopted under Section 2 of this Ordinance, including deleting and adding textual material and maps, renumbering pages or sections, and making any technical changes not affecting the substance of these amendments as necessary to conform to the Washington County Comprehensive Plan format.

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1 SECTION 7

2 This Ordinance shall take effect November 24, 2017.

3 ENACTED this 26<sup>th</sup> day of September, 2017, being the 3rd reading and  
4 3rd public hearing before the Board of County Commissioners of Washington County, Oregon.

5  
6 BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

7  
8 **ADOPTED**

9 *Andy Dwyer*  
CHAIRMAN

10 *A. D. Noyola*  
RECORDING SECRETARY

11 READING

12 First August 15, 2017  
13 Second September 5, 2017  
14 Third September 26, 2017  
Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_

PUBLIC HEARING

12 First August 15, 2017 (B-Engrossment)  
13 Second September 5, 2017  
14 Third September 26, 2017  
Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_

15 VOTE: Aye: Malinowski, Rogers, Terry & Dwyer

Nay: none

16 Recording Secretary: Ana D. Noyola

Date: September 27, 2017

Section 430-145 (Wineries) and related sections of the COMMUNITY DEVELOPMENT CODE relating to wineries, are amended to reflect the following:

**1. SECTION 340 – EXCLUSIVE FARM USE DISTRICT (EFU)**

**340-4 Uses Permitted Through a Type II Procedure**

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340-4.1 Permitted Uses which are exempt from Section 340-4.3:

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T. Winery - Section 430-145.4-

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Y. Agritourism events on seven (7) to eighteen (18) days per calendar year at a standard winery described under 430-145.1 (Section 430-145.5 C).

340-4.2 Permitted Uses which are subject to Section 340-4.3:

A. Commercial Activities in Conjunction with Farm Use, including the processing of farm crops into biofuel not permitted under ORS 215.203(2)(b)(L) or as described in Section 340-4.1 D. - Section 430-33. Commercial activities in conjunction with farm use are not allowed in conjunction with a marijuana crop. See Section 430-145.9 regarding wineries that are processed under Section 430-33 as commercial activities in conjunction with farm use.

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F. Home Occupation - Section 430-63. Applications to renew a home occupation do not have to address Section 340-4.3 if that section was addressed in a prior application. A home occupation on high-value farmland shall be operated in the dwelling or other buildings normally associated with uses permitted in the district. A home occupation shall not unreasonably interfere with other uses permitted on surrounding land in the EFU, EFC and AF-20 Districts. A bed and breakfast facility at a winery described under 430-145.1 or 430-145.2 may be processed as a home occupation subject to Section 430-63 (Section 430-145.4 C).

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340-4.3 Required Findings:

The proposed use will not:

- A. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor
- B. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.  
An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

**340-5 Uses Which May be Permitted Through a Type III Procedure**

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340-5.2 Uses which may be allowed subject to Section 340-5.3:

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N. Agritourism events on more than twenty-five (25) days per calendar year at a large winery described under 430-145.2 (Section 430-145.6 B).

O. Restaurant open to the public for more than twenty-five (25) days per calendar year at a large winery described under 430-145.2 (Section 430-145.7 B).

340-5.3 Required Findings:

- A. The proposed use is compatible with farm uses described in Oregon Revised Statutes, Chapter 215;
- B. The proposed use does not interfere seriously with “accepted farming practices” as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm use;
- C. The proposed use does not materially alter the stability of the overall land use pattern of the area; and
- D. The proposed use will not:
  - (1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
  - (2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

**2. SECTION 344 – AGRICULTURE AND FOREST DISTRICT (AF-20)**

**344-4 Uses Permitted Through a Type II Procedure**

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344-4.1 Permitted Uses which are exempt from Section 344-4.3:

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T. Winery - Section 430-145.4-

\*\*\*

Y. Agritourism events on seven (7) to eighteen (18) days per calendar year at a standard winery described under 430-145.1 (Section 430-145.5 C).

344-4.2 Permitted Uses which are subject to Section 344-4.3:

A. Commercial Activities in Conjunction with Farm Use, including the processing of farm crops into biofuel not permitted under ORS 215.203 (2)(b)(L) or as described in Section 344-4.1 D. - Section 430-33. Commercial activities in conjunction with farm use are not allowed in conjunction with a marijuana crop. See Section 430-145.9 regarding wineries that are processed under Section 430-33 as commercial activities in conjunction with farm use.

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F. Home Occupation - Section 430-63. Applications to renew a home occupation do not have to address Section 344-4.3 if that section was addressed in a prior application. A home occupation on high-value farmland shall be operated in the dwelling or other buildings normally associated with uses permitted in the district. A home occupation shall not unreasonably interfere with other uses permitted on surrounding land in the EFU, EFC and AF-20 Districts. A bed and breakfast facility at a winery described under 430-145.1 or 430-145.2 may be processed as a home occupation subject to Section 430-63 (Section 430-145.4 C).

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**344-5 Uses Which May be Permitted Through a Type III Procedure**

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344-5.2 Uses which may be allowed subject to Section 344-5.3:

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- N. Agritourism events on more than twenty-five (25) days per calendar year at a large winery described under 430-145.2 (Section 430-145.6 B).
- O. Restaurant open to the public for more than twenty -five (25) days per calendar year at a large winery described under 430-145.2 (Section 430-145.7 B).

344-5.3 Required findings:

- A. The proposed use is compatible with farm uses described in Oregon Revised Statutes, Chapter 215;
- B. The proposed use does not interfere seriously with “accepted farming practices” as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm use;
- C. The proposed use does not materially alter the stability of the overall land use pattern of the area; and
- D. The proposed use will not:
  - (1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
  - (2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.



An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

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**3. SECTION 346 – AGRICULTURE AND FOREST DISTRICT (AF-10)**

**346-4 Uses Which May be Permitted Through a Type III Procedure**

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346-4.1 Uses which may be allowed:

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S. Winery - May include accessory tasting room and incidental sales - Section 430-145.82.

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**4. SECTION 348 – AGRICULTURE AND FOREST DISTRICT (AF-5)**

**348-4 Uses Which May be Permitted Through a Type III Procedure**

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348-4.1 Uses which may be allowed:

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R. Winery - May include accessory tasting room and incidental sales - Section 430-145.82.

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**5. SECTION 350 – RURAL RESIDENTIAL FIVE ACRE MINIMUM DISTRICT (RR-5)**

**350-4 Uses Which May be Permitted Through a Type III Procedure**

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350-4.1 Uses which may be allowed:

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O. Winery - May include accessory tasting room and incidental sales – Section 430-145.82.

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**6. SECTION 352 – RURAL COMMERCIAL DISTRICT (R-COM)**

**352-3 Uses Which May Be Permitted Through a Type II Procedure**

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352-3.1 Permitted Uses:

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Y. Winery, including a tasting room and sales - Section 430-145.82.

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**7. SECTION 354 – RURAL INDUSTRIAL DISTRICT (R-IND)**

**354-3 Uses Permitted Through a Type II Procedure**

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354-3.1 Permitted Uses:

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Q. Winery, including an accessory tasting room and incidental sales - Section 430-145.82.

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**8. SECTION 356 – LAND EXTENSIVE INDUSTRIAL DISTRICT (MAE)**

**356-3 Uses Permitted Through a Type II Procedure**

356-3.1 The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the intent and purpose and the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

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R. Winery - May include accessory tasting room and incidental sales - Section 430-145.82.

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**9. SECTION 430 – SPECIAL USE STANDARDS**

In addition to the requirements of Sections 400 through 425, the following special use standards are provided for specific uses. Additional or amended special use standards that are applicable in the North Bethany Subarea of the Bethany Community Plan are located in Section 390, North Bethany Subarea Overlay District.

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**430-33 Commercial Activities in Conjunction with Farm Use**

Commercial activities are limited to providing products and services essential to the practice of commercial agriculture. For wineries that are reviewed under Section 430-33 as commercial activities in conjunction with farm use, see also Section 430-145.9.

A commercial activity in conjunction with farm use includes, but is not limited to, processing facilities which convert harvested agricultural crops from their natural state into new products, i.e., drying, freezing, canning, etc. In addition, the preparation and storage of a product which includes significant amounts of agricultural crops not raised by the operator of the storage facility shall also be considered a commercial activity...

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**430-63 Home Occupation**

A home occupation is a lawful activity carried on within a dwelling by a member or members of the family who occupy the dwelling, where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained. Bed and breakfast facilities serving five (5) or fewer persons are permitted as a Type I Home Occupation in all districts except the Institutional, EFU, EFC and AF-20 Districts (Section 430-63.1 C does not apply to bed and breakfast facilities). Pursuant to Section 430-145.4 C, a bed and breakfast facility serving five (5) or fewer persons, in association with and on the same tract as a winery described under 430-145.1 or 430-145.2, is permitted as a Type II Home Occupation in the EFU and AF-20 Districts (Section 430-63.2 D.(2) does not apply). Bed and breakfast facilities serving more than five (5) persons are subject to the standards of Section 430-19 - Boarding House (including Bed and Breakfast facilities for more than five (5) persons). A home occupation shall not be conducted on a site that includes an accessory dwelling unit, from either the primary dwelling unit or the accessory dwelling unit, except as allowed under Section 201-2.18 (CDC Section 430-117.1 J);

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**430-63.2 Home Occupation - Type II**

A Type II Home Occupation shall:

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D. Including storage of materials and products, occupy:

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- (2) Outside the UGB
  - (a) Not more than one thousand (1000) square feet or twenty-five (25) percent of a dwelling or lawful accessory structure, whichever is greater; or
  - (b) An area exceeding the above maximums by up to ten (10) percent, when requested by an applicant with a disability.

For purposes of Section 430-63.2 D(2), a “dwelling” includes the basement and attached garage. Areas used only for storage of farm equipment or farm vehicles are not considered as part of the maximum allowed home occupation space.

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**430-145 Winery**

Wineries are structures where the grapes ~~or other fruits or produce~~ of the applicant or others may be processed and converted to wine, bottled, blended, stored, sold at wholesale or directly to a consumer for consumption off or on the premises. Vineyards are fields where grapes are grown.

Wineries that may be established under 430-145.8 in rural districts other than EFU or AF-20 are as described above, except that qualification as a winery may be based on processing and above noted activities using fruits or produce other than grapes.

As used in Section 430-145:

**Agritourism or other commercial events** includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event. Agritourism and other commercial events allowed at EFU/AF-20 wineries by ORS 215 differ from provisions that the state allows counties to adopt for agritourism and other commercial events in connection with other farm uses.

**On-site retail sale** includes the retail sale of wine in person at the winery site, through a wine club, or over the internet or telephone.

430-145.1 In the EFU and AF-20 Districts, a winery, as described by ORS 215.452 (considered for the purposes of this Code as a "standard winery"), may be established as a permitted use in the EFU and AF-20 Districts subject to findings and evidence establishing compliance with the following standards A or B, below, and the standards of Section 430-145.3:

- A. The winery produces a maximum annual production of less than fifty thousand (50,000) gallons of wine annually and that:
- (1) Owns an on-site planted vineyard of at least fifteen (15) acres;
  - (2) Owns a contiguous planted vineyard of at least fifteen (15) acres;
  - (3) Has and provides proof of an executed a long-term contract for the purchase of all of the grapes from at least fifteen (15) acres of a planted vineyard contiguous to the winery; or
  - (4) Obtains grapes from any combination of (1), (2), or (3) of this subsection.
- B. The winery produces Maximum annual production is at least fifty thousand (50,000) gallons and no more than one hundred thousand (100,000) gallons and that of wine annually and:
- (1) Owns an on-site planted vineyard of at least forty (40) acres;
  - (2) Owns a contiguous planted vineyard of at least forty (40) acres;
  - (3) Has and provides proof of an executed a long-term contract for the purchase of all the grapes from at least forty (40) acres of a planted vineyard contiguous to the winery;
  - (4) Owns an on-site planted vineyard of at least fifteen (15) acres on a tract of at least forty (40) acres and owns at least forty (40) additional acres of vineyards in Oregon that are located within fifteen (15) miles of the winery site; or

(54) Obtains grapes from any combination of (1), (2), ~~or (3)~~, or (4) of this subsection.

~~C. A winery described in Section 430-145.1 A. or B. shall allow only the sale of:~~

- ~~(1) Wines produced in conjunction with the winery; and~~
- ~~(2) Items directly related to wine, the sales of which are incidental to retail sale of wine on-site. Such items include those served by a limited service restaurant, as defined in ORS 624.010.~~

~~D. Prior to the issuance of a permit to establish a winery under Section 430-145.1, the applicant shall show that the vineyards, described in Section 430-145.1 A. and B, have been planted or that the contract has been executed as applicable.~~

~~E. Standards imposed upon a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with farming or forest practices on adjacent lands:~~

- ~~(1) Establishment of a setback of at least one hundred (100) feet from all property lines for the winery and all public gathering places, except as allowed through CDC Section 435 (Variances and Hardship Relief); and~~
- ~~(2) Provision of direct road access, including safety and operational considerations and the standards of Section 501-9.3, internal circulation and parking.
  - ~~(a) Internal access shall be based upon the maximum number of people at the tasting room or restaurant, including times of special events. Access shall be approved by the appropriate fire marshal.~~
  - ~~(b) On-site parking requirements shall be based upon the maximum number of employees at the winery, the size of the tasting room and/or restaurant, and the expected number of visitors.~~
  - ~~(c) On premise temporary parking shall be available for special winery events.~~
  - ~~(d) A festival permit (Section 430-135.1 E.) shall be required for special events in excess of one (1) day.~~~~

~~(3) The review authority shall also apply, when applicable, the standards of Sections 421 (Flood Plain and Drainage Hazard Area Development), Section 422 (Significant Natural Resources), and other standards regarding geologic hazards, airport safety, and other regulations for resource protection acknowledged to comply with any statewide planning goal respecting open spaces, scenic and historic areas and natural resources.~~

~~F. Findings shall be made to demonstrate compliance with the standards of Section 430-145.1.~~

~~G. A winery, which does not comply with the standards of Section 430-145 A. or Section 430-145 B., may be approved as a Commercial Activity in conjunction with Farm Use (Section 430-33) upon demonstration of compliance with the applicable review criteria.~~

430-145.2 In the EFU and AF-20 Districts, a winery as described by ORS 215.453 (considered for the purposes of this Code as a “large winery”) may be established as a permitted use subject to findings and evidence establishing compliance with the following standards and those indicated under 430-145.3:

The winery has produced annually, at the same or a different location, at least one hundred and fifty thousand (150,000) gallons of wine in at least three (3) of the five (5) calendar years before the winery is established under CDC Section 430-145.2; and

- (1) Owns and is sited on a tract of eighty (80) acres or more, at least fifty (50) acres of which is a planted vineyard; and
- (2) Owns at least eighty (80) additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described under Section 430-145.2.A(1), above.

430-145.3 In the EFU and AF-20 Districts, to limit demonstrated conflicts with accepted farming or forest practices on adjacent lands, approval to establish a winery as described under either Section 430-145.1 (standard winery) or 430-145.2 (large winery) as a permitted use, is subject to findings and evidence demonstrating:

- A. Establishment of a setback of at least one hundred (100) feet from all property lines for the winery and all public gathering places, except as allowed through CDC Section 435 (Variances and Hardship Relief);
- B. Provision of parking for all activities or uses of the lot, parcel, or tract on which the winery is established. Winery parking requirements shall be based on the maximum number of employees at the winery, the size of the winery and associated facilities, and the expected number of visitors;
- C. Provision of direct road access, including safety and operational considerations and the standards of Section 501-9.3;
- D. Provision of internal circulation, based upon the maximum number of people at the winery and associated facilities, including times of special events. Access shall be approved by the appropriate fire marshal;
- E. Compliance with standards of Section 421 (Flood Plain and Drainage Hazard Area Development) and other standards regarding geologic hazards, solar access, and airport safety, when applicable;
- F. Compliance with standards of Section 422 (Significant Natural Resources) and other regulations for resource protections acknowledged to comply with any statewide goal respecting open spaces, scenic and historic areas and natural resources, when applicable; and
- G. Compliance with regulations of general applicability for the public health and safety, including Environmental Health (Health and Human Services)

requirements and applicable requirements of Section 501-9 (Limited Application of the Public Facility and Service Standards Outside the UGB).

430-145.4 In addition to producing and distributing wine, wineries may conduct activities consistent with 430-145.4 A through E, below, as applicable.

A. The gross income of the winery from the sale of incidental items or services provided pursuant to Sections 430-145.4 B(3) and (4), D(1), and E(1) and (2), below, may not exceed twenty-five (25) percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.

The County may require a written statement, prepared by a certified public accountant, that certifies compliance with this requirement for the previous tax year, with application submittal and/or for periodic submittal as a condition of approval.

B. Through winery establishment under either Section 430-145.1 (standard winery) or 430-145.2 (large winery), a winery may:

- (1) Market and sell wine produced in conjunction with the winery;
- (2) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
  - (a) Wine tastings in a tasting room or other location on the premises occupied by the winery;
  - (b) Wine club activities;
  - (c) Winemaker luncheons and dinners;
  - (d) Winery and vineyard tours;
  - (e) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine industry members;
  - (f) Winery staff activities;
  - (g) Open house promotions of wine produced in conjunction with the winery; and
  - (h) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.
- (3) Host charitable activities for which the winery does not charge a facility rental fee;
- (4) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages that are:

(a) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(b) Served in conjunction with an activity authorized by Section 430-145.4 B(2) or (3).

C. Subject to submittal and approval of an application for a Type II home occupation permit via CDC Section 430-63, wineries established under 430-145.1 (standard winery) or 430-145.2 (large winery) may operate a bed and breakfast facility in association with the winery and on the same tract as the winery, and may:

(1) Prepare two (2) meals per day to the registered guests of the bed and breakfast facility; and

(2) Serve the meals at the bed and breakfast facility or at the winery.

As an alternative to the above, the applicant may request bed and breakfast approval through Type II Room and Board provisions of Section 340-4.2 N or 344-4.2 N.

D. In addition to activities allowed under 430-145.4 B and C, above, a winery established under Section 430-145.1 (standard winery) may:

(1) Carry out agritourism or other commercial events on the tract occupied by the winery subject to Section 430-145.5, below;

(2) Include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in Section 430-145.4 B(4) or D(1). Food and beverage services authorized under this subsection may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.

E. In addition to activities allowed under 430-145.4 B and C, a winery established under Section 430-145.2 (large winery) may:

(1) Provide services, including agritourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, subject to CDC 430-145.6, below;

(2) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages served in conjunction with an activity authorized by Section 430-145.4 E (1), above;

3) Operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery, subject to requirements of Section 430-145.7, below.



430-145.5 Standards for agritourism or other commercial events on a tract occupied by a winery described under 430-145.1 (standard winery):

- A. The winery may carry out up to eighteen (18) days of agritourism or other commercial events annually on the tract occupied by the winery, subject to the following:
- (1) If the winery conducts agritourism or other commercial events authorized under CDC Section 430-145.5.A (pursuant to ORS 215.452), the winery may not also conduct agritourism or other commercial events addressed under ORS 215.213 (11);
  - (2) Agritourism or other commercial events and services, including marketing and sale of food, beverages, and incidental items in conjunction with these, must be:
    - (a) Directly related to the sale or promotion of wine produced in conjunction with the winery;
    - (b) Incidental to the retail sale of wine on-site.
  - (3) Income cap requirements described under Section 430-145.4 A apply, including certification of compliance from a certified public accountant;
  - (4) Conditions related to number of event attendees, hours of event operation, access and parking, traffic management, sanitation and solid waste may be applied;
  - (5) A license pursuant to 430-145.5 B and/or a permit pursuant to 430-145.5 C is required, whichever is applicable.
- B. Events on the first six (6) days of the eighteen (18) day limit per calendar year must be authorized by the County through a renewable license that has a term of five (5) years. The County's decision on a license under Subsection 430-145.5 B is not a land use decision as defined in ORS 197.015.
- C. Events on days seven (7) through the maximum of eighteen (18) per calendar year must be authorized by the Current Planning Section, via approval of an application for a renewable multi-year permit that has a term of five (5) years, subject to:
- (1) Type II land use review to determine conditions necessary to ensure compliance with 430-145.5 C(3), below;
  - (2) Evidence that a license, as required under 430-145.5 B, was obtained for events on the first six (6) days of the eighteen (18) day limit;
  - (3) As necessary to ensure that agritourism or other commercial events on a tract occupied by a winery are subordinate to the production and sale of wine and do not create significant adverse impacts to uses on surrounding land, the County may impose conditions on the license related to:
    - (a) The number of event attendees;
    - (b) The hours of event operation;

- (c) Access and parking;
- (d) Traffic management;
- (e) Noise management; and
- (f) Sanitation and solid waste.

430-145.6 Standards for agritourism or other commercial events on a tract occupied by a winery described under 430-145.2 (large winery):

A. Through winery establishment under 430-145.2 (large winery), a winery may:

(1) On twenty-five (25) days or fewer per calendar year, provide services including agritourism or other commercial events hosted by the winery or patrons of the winery, subject to the following:

- (a) Wine produced in conjunction with the winery is featured;
- (b) Agritourism or other commercial events and services, including marketing and sale of food, beverages, and incidental items in conjunction with these, must be:
  - (i) Directly related to the sale or promotion of wine produced in conjunction with the winery;
  - (ii) Incidental to the retail sale of wine on-site;
- (c) Income cap requirements described under Section 430-145.4 A apply, including certification of compliance from a certified public accountant;
- (d) Conditions related to number of event attendees, hours of event operation, access and parking, traffic management, sanitation and solid waste may be applied.

B. If a winery established under 430-145.2 (large winery) provides for agritourism or other commercial events on more than twenty-five (25) days in a calendar year, the winery shall obtain approval from the Current Planning Section via application for a permit subject to the following:

- (1) Type III land use review;
- (2) In addition to any other requirements, the County may approve a permit application if the County finds that the authorized activity:
  - (a) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery;
  - (b) Does not materially alter the stability of the land use pattern in the area; and

(c) Complies with all provisions of ORS 215.296, including but not limited to requirements that the proposed use will not force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. An applicant's findings may demonstrate that these standards will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

(3) Conditions related to number of event attendees, hours of event operation, access and parking, traffic management, sanitation and solid waste may be applied;

(4) If the County issues a permit under 430-145.6 B, for operation of agritourism or other commercial events on more than twenty-five (25) days per calendar year, the County shall review the permit at least once every five (5) years and, if appropriate, may renew the permit.

430-145.7 Standards for a restaurant on a tract occupied by a winery established under 430-145.2 (large winery):

A. A winery, through establishment under 430-145.2 (large winery), may:

(1) On twenty-five (25) days or fewer per calendar year, operate a restaurant as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery, subject to the following:

(a) Wine produced in conjunction with the winery is featured;

(b) Marketing and sale of food and beverages in conjunction with the restaurant is:

(i) Directly related to the sale or promotion of wine produced in conjunction with the winery;

(ii) Incidental to the retail sale of wine on-site;

(c) Conditions related to number of event attendees, hours of event operation, access and parking, traffic management, sanitation and solid waste may be applied.

B. If a winery established under 430-145.2 (large winery) operates a restaurant that is open to the public for more than twenty-five (25) days in a calendar year, the winery shall obtain a permit from the Current Planning Section subject to the following:

(1) Type III land use review;

(2) In addition to any other requirements, the County may approve a permit application if the County finds that the authorized activity:

- (a) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery;
- (b) Does not materially alter the stability of the land use pattern in the area; and
- (c) Complies with all provisions of ORS 215.296, including but not limited to requirements that the proposed use will not force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. An applicant's findings may demonstrate that these standards will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.
- (3) A person may not have a substantial ownership interest in more than one (1) winery operating a restaurant under ORS 215.453.
- (4) Conditions related to number of event attendees, hours of event operation, access and parking, traffic management, sanitation and solid waste may be applied;
- (5) If the County issues a permit under 430-145.7 B, for operation of a restaurant on more than twenty-five (25) days per calendar year, the County shall review the permit at least once every five (5) years and, if appropriate, may renew the permit.

430-145.82 A winery in the AF-10, AF-5, RR-5, Rural Commercial, Rural Industrial and MAE Districts may be established as a permitted use via Current Planning approval of an application subject to the following standards:

- A. Comply with all state and federal requirements;
- B. Have an access based upon the maximum number of people expected at the tasting room, including times of special events. Access shall be approved by the appropriate fire marshal;
- C. Parking requirements shall be based on:
  - (1) ~~Be based upon~~The maximum number of employees at the winery; and
  - (2) The size of the tasting room and expected visitors;
- D. ~~On premise~~On-site temporary parking shall be available for special winery events; and
- E. A festival permit (Section 430-135.1 E.) shall be required for special events in excess of one (1) day.

430-145.9 Wineries and/or activities at wineries as Commercial Activities in Conjunction with Farm Use (Section 430-33)

- A. The County may authorize the siting of a winery in the EFU or AF-20 District pursuant to the standards that apply to a Commercial Activity in Conjunction

with Farm Use (CDC Section 430-33) or other law, via Current Planning approval of a permit application subject to the following:

(1) The winery:

(a) Does not qualify for siting under CDC Section 430-145.1 (standard winery) or 430-145.2 (large winery) (ORS 215.452 or 215.453); or

(b) Seeks to carry out uses or activities that are not authorized by CDC Section 430-145.4 through 7 (or are not otherwise authorized by ORS 215.452 or 215.453).

(2) The gross income of the winery from any activity other than the production or sale of wine shall not exceed twenty-five (25) percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery;

(3) Conditions related to number of event attendees, hours of event operation, access and parking, traffic management, sanitation and solid waste may be applied.

B. The County may authorize a winery described in Subsection 430-145.2 (large winery) to sell or deliver items or provide services not described within 430-145.4 A, 430-145.4 B(4), or 430-145.6 A under the criteria for Commercial Activities in Conjunction with Farm Use (CDC Section 430-33) or other provisions of law, subject to Current Planning approval of a permit application. Conditions related to number of event attendees, hours of event operation, access and parking, traffic management, sanitation and solid waste may be applied.

430-145.10 Lawful continuation of certain winery-related uses or structures in the EFU or AF-20 district

A. A use or structure that exists on June 28, 2011 may be lawfully continued, altered, restored or replaced pursuant to CDC Section 440 (or as otherwise allowed by ORS 215.130) if the use or structure is located on the same tract as a winery established under ORS 215.213 (1)(p) (a winery described in ORS 215.452 or 453/CDC Section 430-145.1 or 2) that produced more than two hundred fifty thousand (250,000) gallons of wine in calendar year 2010.

B. A winery established under ORS 215.213 (1)(p) (a winery described in ORS 215.452 or 453/CDC Section 430-145.1 or 2) that produced more than one hundred fifty thousand (150,000) gallons and not more than two hundred fifty thousand (250,000) gallons of wine in calendar year 2010 does not require a permit under CDC Section 430-145.9 A (ORS 215.213 (2)(c)), but must comply with all provisions of CDC Section 430-145 that apply to wineries described under 430-145.1 (standard winery) (ORS 215.452) except the annual production requirements.

- C. A use or structure that is lawfully established at a winery that exists on June 28, 2013, including events and activities that exceed the income limit imposed by CDC Section 430-145.4 A (ORS 215.452), may be continued, altered, restored or replaced pursuant to CDC Section 440 (or as otherwise allowed by ORS 215.130).
- D. Subsections 430-145.10 A and C do not affect the lawful continuation, alteration, restoration or expansion of the winery sited on the same tract.

**10. SECTION 440 NONCONFORMING USES AND STRUCTURES**

A nonconforming use is a structure or use of land which does not conform to the provisions of this Code or Comprehensive Plan lawfully in existence on the effective date of enactment or amendment of this Code or Comprehensive Plan. It is the intent of this Section to allow and regulate existing uses and structures that were lawfully established and are not now in conformance with the applicable regulations of this Code.

The purpose of this Section is to generally encourage the discontinuance of nonconforming uses and structures or changing of nonconforming uses and structures to conforming or more conforming uses or structures. However, it is not the purpose of this Section to force all nonconforming uses or structures to be eliminated or brought into conformance with existing standards, or to discourage the continued nonconforming use of land for single family dwellings. Except in industrial, institutional, and commercial districts other than Neighborhood Commercial (NC), it is the intent of this Section to allow the owner of a structure used as a single family dwelling to alter or replace the structure consistent with state law, LCDC administrative rules and the applicable provisions of this Code.

Nonconforming uses that have a lesser impact on the immediate area have fewer restrictions than nonconforming uses with greater impacts. Nonconforming commercial and industrial uses in residential and farm or forest districts have more rigorous review criteria than these uses have in commercial and industrial districts in order to protect the livability and character of residential and farm or forest districts. In contrast, nonconforming single dwelling units in residential and farm or forest districts have fewer review standards because residential uses are permitted in these districts and these uses do not represent a major disruption to the immediate area. The intent of this Section in reviewing alterations to nonconforming single dwelling units in the EFU, EFC and AF-20 Districts is to review only those things that adversely affect resource based activities which are the basis for the use restrictions in these districts. See Section 430-145.9 for additional information on wineries and associated activities at wineries that may be nonconforming.

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# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Action – Land Use & Transportation (All CPOs)

**Agenda Title:** ADOPT FINDINGS FOR B-ENGROSSED ORDINANCE NO. 815

**Presented by:** Andrew Singelakis, Director of Land Use & Transportation

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### SUMMARY:

B-Engrossed Ordinance No. 815 proposes to amend the Community Development Code to include standards that the County must implement for wineries in Exclusive Farm Use Districts (EFU & AF-20) pursuant to state legislation, and to make minor improvements to formatting within winery standards for other rural land use districts. The proposed ordinance is posted on the County's land use ordinance webpage at the following link:

[www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)

Post acknowledgment comprehensive plan amendments are amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. ORS 197.615 requires that such amendments be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Attached is the Resolution and Order to adopt the findings for B-Engrossed Ordinance No. 815. Prior to the September 26, 2017 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance webpage, and available at the Clerk's desk.

Attachment: Resolution and Order

Exhibit A (Ordinance Findings) is linked online.

### DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for B-Engrossed Ordinance No. 815 and authorize the Chair to sign the Resolution and Order memorializing the action.

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### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 17-98

Agenda Item No.	<b>4.a.</b>
Date:	09/26/17

1 IN THE BOARD OF COMMISSIONERS  
2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting ) RESOLUTION AND ORDER  
4 Legislative Findings in Support )  
of B-Engrossed Ordinance No. 815 ) No. 17-98

5 This matter having come before the Washington County Board of Commissioners at its  
6 meeting of September 26, 2017; and

7 It appearing to the Board that the findings contained in "Exhibit A" summarize relevant facts  
8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised  
9 Statutes and Administrative Rules, and Washington County's Comprehensive Plan relating to  
10 B-Engrossed Ordinance No. 815; and

11 It appearing to the Board that the findings attached and herein incorporated as "Exhibit A"  
12 constitute appropriate legislative findings with respect to the adopted ordinance; and

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing  
14 on August 17, 2016, made a recommendation to the Board, which is in the record and has been  
15 reviewed by the Board; and

16 It appearing to the Board that, in the course of its deliberations, the Board has considered the  
17 record which consists of all notices, testimony, staff reports, and correspondence from interested  
18 parties, together with a record of the Planning Commission's proceedings, and other items submitted  
19 to the Planning Commission and Board regarding this ordinance; it is therefore,

20 RESOLVED AND ORDERED that the attached findings in "Exhibit A" in support of  
21 B-Engrossed Ordinance No. 815 are hereby adopted.

22 DATED this 26th day of September, 2017.

	AYE	NAY	ABSENT
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

23 BOARD OF COMMISSIONERS  
24 FOR WASHINGTON COUNTY, OREGON

25 APPROVED AS TO FORM:

25   
Chairman

26   
27 County Counsel  
28 For Washington County, Oregon

26   
27 Recording Secretary



## **EXHIBIT A**

### **FINDINGS FOR B-ENGROSSED ORDINANCE NO. 815**

#### **AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO WINERIES LEGISLATION**

**September 26, 2017**

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

#### **Part 1:**

#### **GENERAL FINDINGS**

B-Engrossed Ordinance No. 815 amends the Community Development Code (CDC) to include standards that the County must implement for wineries in Exclusive Farm Use Districts (EFU/AF-20) pursuant to state legislation. The ordinance also proposes minor reformatting of winery standards for other rural land use districts.

#### **Key Ordinance Provisions**

B-Engrossed Ordinance No. 815 proposes updates to incorporate provisions of state law (ORS 215) applicable to wineries EFU/AF-20 districts to address the following:

- Allow qualification of certain wineries under a new category, “Large Winery,” with broader allowances for events/activities than permitted at Standard Wineries (subject to evidence that qualifications have been met for at least three years prior);
- Incorporate “agritourism or other commercial events” standards that apply specifically to winery tracts pursuant to SB 841;
- Clarify other wine-related events and activities that can be conducted on winery tracts;
- Incorporate qualifying criteria and standards for operation of restaurants on winery tracts;
- Allow establishment of a bed and breakfast facility as a home occupation on a winery tract (alternative to existing CDC standards that specify review as room and board arrangements);
- Clarify when wineries/winery activities may be reviewed as commercial activities in conjunction with farm use;
- Incorporate provisions for nonconforming continuation of winery-related structures, uses, activities, and events predating state enactment of the standards noted above.

The ordinance also reformats winery standards affecting other rural districts but does not change associated allowances or requirements.

Proposed CDC changes primarily affect Special Use Standards for Wineries (Section 430-145). Amendments to other sections are largely for consistency with proposed Special Use standards.

The list of all affected CDC Sections is as follows:

- 340 – Exclusive Farm Use District (EFU)
- 344 – Agriculture and Forest District (AF-20)
- 346 – Agriculture and Forest District (AF-10)
- 348 – Agriculture and Forest District (AF-5)
- 350 – Rural Residential Five Acre Minimum District (RR-5)
- 352 – Rural Commercial District (R-COM)
- 354 – Rural Industrial District (R-IND)
- 356 – Land Extensive Industrial District (MAE)
- 430-33 – Commercial Activities in Conjunction with Farm Use
- 430-63 – Home Occupation
- 430-145 – Special Use Standards (Winery)
- 440 – Nonconforming Uses and Structures

Because the ordinance would make changes that do not affect compliance with Oregon’s Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The Washington County Board of Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

The County is also required to make findings that the amendments are consistent with the requirements of Metro’s Urban Growth Management Functional Plan (UGMFP). These findings are addressed in this document.

The Board finds that Statewide Planning Goal 14 (Urbanization) is not applicable because the area affected by this ordinance is entirely outside the urban growth boundary. Additionally, Statewide Planning Goal 4 does not apply because proposed changes and the legislation that requires them do not apply to resource forest lands [Exclusive Forest and Conservation District (EFC)].

## **Part 2: STATEWIDE PLANNING GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that B-Engrossed Ordinance No. 815 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS), Oregon Administrative Rule (OAR) requirements, Metro’s Urban Growth Management Functional Plan (UGMFP), and Washington County’s Comprehensive Plan (Plan). The County’s Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The County follows the post-acknowledgement plan amendment (PAPA)

process to update the Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No goal compliance issues were raised in the hearing proceedings described below. In addition, no map changes are proposed, and no proposed changes to text of the Plan implicate a goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

### **Goal 1 – Citizen Involvement**

Goal 1 addresses Citizen Involvement by requiring the implementation of a comprehensive program to stimulate citizen participation in the planning process. Washington County has an acknowledged citizen involvement program that provides a range of opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County’s Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has followed these requirements for the adoption of B-Engrossed Ordinance No. 815.

### **Goal 2 – Land Use Planning**

Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Plan, which includes documents such as the Rural/Natural Resource Plan, Comprehensive Framework Plan for the Urban Area (CFP), Community Plans, Community Development Code (CDC), and Transportation System Plan (TSP). Washington County utilized this process to adopt B-Engrossed Ordinance No. 815.

Notice was coordinated with all affected governmental entities. Though none submitted comments directly in response to notice of B-Engrossed Ordinance No. 815, the Department of Land Conservation and Development (DLCDD) provided some clarifications regarding pertinent statutes as requested by staff during ordinance preparation and proceedings.

### **Goal 3 – Agricultural Lands**

Goal 3 seeks to preserve and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest and open space, and with the state's agricultural land use policies. Policy 15, Implementing Strategies (a) and (f), of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands.

B-Engrossed Ordinance No. 815 updates the Community Development Code to include standards that the County must implement for wineries in exclusive farm use districts (EFU and AF-20) pursuant to state legislation. Amendments to the CDC follow state law closely, including existing farmland protections of the law. As such, compliance with Goal 3 is not impacted.

### **Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces**

Goal 5 addresses the protection of natural resources and the conservation of scenic, cultural, and historic areas and open spaces by requiring local programs to protect these resources in order to

promote a healthy environment and natural landscape that contributes to Oregon’s livability for present and future generations.

In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to post-acknowledgment plan amendments (PAPAs) when the PAPA 1) creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource, or 2) allows new uses that could be conflicting uses with a particular Goal 5 site.

Policies 10, 11 and 12 of the CFP, Policies 7, 9, 10, 11, 12 and 13 of the Rural/Natural Resource Plan, and various sections of the Community Plans and the CDC include provisions for the protection of Goal 5 resources.

CDC amendments proposed within B-Engrossed Ordinance No. 815 do not affect requirements that are in place for protection of Goal 5 resources.

### **Goal 8 – Recreational Needs**

Goal 8 requires local jurisdictions to satisfy the recreational needs of citizens and visitors by planning and providing for the siting of necessary recreational facilities. Policies 33, 34 and 35 of the CFP, Policy 24 of the Rural/Natural Resource Plan and the individual Community Plans address the recreational needs of Washington County’s residents and visitors.

CDC amendments proposed within B-Engrossed Ordinance No. 815 do not affect required planning for recreational facilities. Amendments pursuant to state law that allow wineries to host events/activities, however, may facilitate potential for recreational opportunities on rural winery lands and may in turn contribute to offsite recreational activities such as bicycle touring between wineries. Accordingly, proposed amendments retain compliance with Goal 8.

### **Goal 9 – Economic Development**

Goal 9 requires the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of citizens. Policy 20 of the CFP and Policies 15, 16, 20 and 21 of the Rural/Natural Resource Plan set out the County’s policies to strengthen the local economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion.

ORS 215.452 and 453 reflect provisions of Senate Bill 841, relating to wineries on land zoned for resource uses. The bill was sponsored by the Committee on Rural Communities and Economic Development. B-Engrossed Ordinance No. 815 implements provisions of the above. Winery activities allowed pursuant to state law appear to provide wineries with increased wine-marketing potential and thereby increased potential for rural economic development. Winery activities may also serve as economic incubators beyond the scope of wine sales, drawing visitors to explore other rural businesses and amenities nearby such as farm stands, rural commercial restaurants, historic and recreational sites. B-Engrossed Ordinance No. 815 therefore appears consistent with the County’s acknowledged policies and strategies for strengthening the local economy as required by Goal 9.

### **Goal 10 – Housing**

Goal 10 requires the provision of housing, including adequate numbers of units within a range of prices, types and densities that provide realistic options to meet citizen needs. Policies 21, 22, 23, and 24 of the CFP, and Policies 19 and 25 of the Rural/Natural Resource Plan address the provision of housing in the urban and rural areas of the County. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion.

B-Engrossed Ordinance No. 815 addresses housing only in the transient sense and to a negligible extent. The existing CDC allows for Bed and Breakfast facilities on exclusive farm use lands via permits for Room and Board arrangements consistent with state law. Pursuant to more recent state law, the ordinance adds an alternative for certain winery sites on exclusive farm use lands to seek permits for Bed and Breakfast facilities through an alternative permit process (Home Occupation permit). This provision does not appear to impact compliance with Goal 10 housing requirements.

### **Goal 11 – Public Facilities and Services**

Goal 11 requires a plan for the orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the CFP, and Policy 22 of the Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The CDC requires that adequate public facilities and services be available for new development. Proposed amendments do not alter this requirement; therefore compliance with Goal 11 is maintained.

### **Goal 12 – Transportation**

Goal 12 requires the provision and encouragement of a safe, convenient, multi-modal, and economic transportation system. Policy 32 of the CFP, Policy 23 of the Rural/Natural Resource Plan, and, in particular, the Transportation System Plan (TSP) describe the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the Community Plans, the CDC, and the TSP. The County's TSP includes Rural Road Enhancement Study Corridors, monitored for minor enhancements (per OAR 660-012-0065) in coordination with affected rural communities as resources allow. The study corridors reflect certain roadways, originally built to accommodate local agricultural traffic and farm equipment, that are increasingly used for commercial freight transport, urban motorist/bicyclist commuting and recreation.

Proposed amendments affect standards for wineries and winery activities in rural areas. While they do not propose changes to transportation facilities, they do apply state law that allows application of conditions to a permit/license in order to manage traffic, access, and parking; and mitigate for related impacts to rural road facilities.

The amendments maintain compliance with the County’s acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12), and Metro’s Regional Transportation Plan (RTP).

**Part 3:**  
**URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS**

Section 3.07.810 of Title 8 of Metro’s Urban Growth Management Functional Plan (UGMFP) requires that County Comprehensive Plan changes be consistent with the UGMFP. The following B-Engrossed Ordinance No. 815 findings have been prepared to address Title 8 of the UGMFP.

**Title 8 – Compliance Procedures**

Title 8 sets forth Metro’s procedures for determining compliance with the UGMFP. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans. Title 8 requires jurisdictions to submit notice to Metro at least 35 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan.

Consistent with Title 8, a copy of proposed Ordinance No. 815 was mailed to Metro on July 12, 2016, 40 days prior to the first evidentiary hearing.